

**City of Lewiston  
PLANNING BOARD MEETING  
Minutes of September 23, 1997**

**I. ROLL CALL**

The meeting was called to order at 7:00 PM.

Members Present: H. Milliken, H. Skelton, D. Theriault, D. Jacques, M. Paradis

Members Absent: T. Peters, L. Zidle

Staff Present: J. Lysen; G. Dycio; D. Ouellette

**II. READING OF THE MINUTES OF SEPTEMBER 9, 1997.**

**MOTION:** by H. Skelton, seconded by D. Jacques to accept the minutes of September 9, 1997 as written.

**VOTE:** Passed 5-0.

**III. CORRESPONDENCE**

1) Letter from Michael Sweeney of VIP Discount Auto Center in support of Penmor's expansion.

2) Letter from Jacqueline Guay regarding the rezoning on Hamel Road.

3) Memo from Attorney Hark regarding paper streets.

4) Letter from Debra May asking to table the Lessard Street matter.

**MOTION:** by H. Skelton, seconded by D. Jacques to accept the above correspondence and be read at the appropriate time.

**VOTE:** Passed 5-0.

**IV. PUBLIC HEARING**

**A. Proposed Amendment to the Zoning and Land Use Code**

Re: Proposal to Amend Article II, Section 2, (Definitions) where the Frontage definition would be amended to allow existing lots of record to gain their frontage along a private mobile home park road that has been reviewed and approved pursuant to Article XIII, Development Review, since January 9, 1988.

**MOTION:** by H. Skelton, seconded by M. Paradis to table this matter until October 14, 1997 at petitioner's request.

**VOTE:** Passed 5-0.

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NOTE: Harry Milliken has asked staff to write a note to all members to be sure to attend the next meeting of October 14th because two matters are being tabled this evening because there was not a full Board.

The streamlining workshop presently scheduled for October 14, 1997 at 6:00 PM with Elliot Friedman will be rescheduled until October 28, 1997 at 6:00 PM because of the Master Plan presentation on the Bates Mill Complex scheduled for the same evening at the Multi Purpose Center for 5:00 PM.

**B. Proposed Amendment to the Zoning and Land Use Code**

Re: Proposal to amend Article IV, Section 1, (Official Map, City of Lewiston) of the Zoning and Land Use Code where a portion of the property located at 49-51 Hamel Road would be rezoned from an Office-Service (OS) District to a Rural Agricultural (RA) District.

Pat Zubiante asked the Board to table this item until the next Planning Board meeting because there was not a full Board this evening.

**MOTION:** H. Skelton, Seconded by D. Theriault to table this matter until the next Planning Board meeting scheduled for October 14, 1997 at 7:00 PM.

**VOTE:** Passed 5-0.

**C. United Ambulance - Conditional Use Permit**

Re: Proposal to amend the current conditional use permit for the United Ambulance facility where the applicant proposes to construct a 900 square foot addition to the existing maintenance facility, and create an additional parking lot with fourteen (14) parking spaces, located at 192 Russell Street.

Richard Haskel, on behalf of Paul Gosselin and United Ambulance submitted plans for this proposal. The use was determined to be a use similar to a permitted use by the Board of Appeals when the facility was originally proposed, and was issued a Conditional Use Permit by the Board of Appeals. As outlined under Article X, Section 5 of the Zoning and Land Use Code, "any additions to buildings or structures, construction of new buildings or structures, or other enlargements, expansion or intensification of the use shall require the issuance of a new conditional use permit." Therefore the current proposal requires the issuance of a new conditional use permit.

The Board was presented with the Petition for Appeal and the applicant's responses to the Standards for Conditional Use Permits. The Planning Staff reviewed the site plans and the applicable standards for conditional use permits and found that the standards were met. Staff recommended that the Board review the information submitted and vote on the request for a conditional use accordingly.

Mr. Haskel explained the diagram before the Board. He stated the buffering would remain and that the reason for additional parking space was for employee shift changes. H. Milliken noted that the plan was not the full plan. The applicant said that there was no changes on the rest of the lot and did not include it in the presentation, but that he would be happy to provide one to the Board. D. Theriault asked about drainage. Discussion then ensued regarding water flow reaching Jepson Brook. Mr. Haskel said that United

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Ambulance's peak will be twelve hours prior to the Jepson Brook peak. Mr. Haskel said that since it always worked on sheet flow and now had a wider area for the flow. H. Skelton said his concern was on the brook and D. Theriault said that as long as the City engineer signed off that he was all right with it.

The Board then went over each question and response submitted by Design + regarding the Standards for Conditional Use Permit. After being satisfied that United Ambulance met all the standards the following motion was made:

**MOTION:** by H. Skelton, seconded by D. Theriault that the proposal for a conditional use permit meets all relative criteria 1-5 and a conditional use permit should be granted with additional conditions of the City Engineer met by the applicant; and that the applicant provide the Board with a full scale map of the entire site.

**VOTE:** Passed 5-0.

**V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING**

**A. Re: United Ambulance - Maintenance Facility & Parking Lot Expansion**

Richard Haskel, on behalf of Paul Gosselin and United Ambulance, submitted plans for a proposal to construct a 900 square foot (45' x 20') addition to the existing maintenance facility and create a new parking lot with fourteen (14) parking spaces located at 192 Russell Street. The property under consideration is located in the Office-Residential (OR) District where ambulance facilities are not permitted as a matter of right. The facility is regulated as a conditional use after receiving a determination from the Board of Appeals that the facility is similar to a permitted use within the Office-Residential zone (hospitals, medical clinics and related facilities). As outlined under Article XIII, Section 3(1)(7) of the Zoning and Land Use Code, the proposal is defined as a minor amendment and therefore only requires one meeting before the Planning Board.

The applicant requested a number of waivers, modifications and non applicable status requests to the application requirements listed under Section 3 (h)(1 4) pursuant to Article XIII, Section 3 (h)(5). Upon review of the requests Staff recommended that the waiver request for a construction schedule not be granted as a construction schedule is a necessary part for tracking the development of construction. The lack of a construction schedule becomes an issue at the Code Enforcement level when abutters call the office and express their concerns as to the duration of the construction activities and Staff cannot determine if the schedule is being adhered to by the applicant.

With respect to the other requests, Staff discussed the modification requests on drainage calculations and erosion control with the applicant's representative and the requests are being withdrawn due to drainage concerns raised by Public Works. All of the remaining requests should be non-applicable as they do not apply to this type of project.

The Planning Staff reviewed the site plans and had no concerns. Copies of the plans have been submitted to the Police, Fire and Public Works Departments for their review and comments. The Police Department and the Fire Department had no concerns. However, the Public Works Department had some minor concerns regarding drainage which was submitted to the Board. Staff spoke with the applicant's representative, and was

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assured that the concerns raised by the Public Works Department concerning drainage would be addressed. Any additional comments from Public Works will be forwarded to the Board once they are received.

The Planning Staff reviewed the plans against the Approval Criteria outlined under Article XIII, Section 4 (a-u) and found that the plans met all of the applicable criteria. Therefore, the Planning Staff recommended that the Planning Board grant final approval to the project with the condition that the drainage concerns raised by Public Works be adequately addressed prior to the issuance of any permits.

**MOTION:** by D. Theriault, seconded by D. Jacques that the requested waivers of submission requirements by United Ambulance be granted because of the size of the project and the circumstances of the site; such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the city.

**VOTE:** Passed 5-0.

**MOTION:** by D. Theriault, seconded by D. Jacques that the application of United Ambulance meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project subject approval from the City Engineer and an updated scale map by applicant.

**VOTE:** Passed 5-0.

**B. Penmor Lithographers Building Expansion - 8 Lexington Street**

Mark Gray, on behalf of Joseph Fillion, submitted plans for a proposal to construct a 20,800 square foot, single-story building addition to the existing production facility, located at 4 Lexington Street in the Lewiston Industrial Park. The project had its Pre-Application hearing at the August 19, 1997 Planning Board meeting at which time the applicant requested that the Board consider the project's application for completeness. Upon review of the application the Board determined it to be complete.

Two issues were raised as concerns by Fire Department at the Pre-Application hearing and have been addressed. A minor concern was also raised by an abutter regarding the extension of the staggered row of pine trees along the former Paradise Park entrance road. The paved surface will be removed, the area will be loamed and seeded, and a supplementary buffer will be planted. This issue has also been addressed and the changes are shown on the plans.

The Planning Staff reviewed the final plans against the Approval Criteria outlined under Article XIII, Section 4 (a-u) and found that the plans met all of the applicable criteria. Therefore, the Planning Staff recommended that the Planning Board grant final approval to the project.

Mr. Gray presented the changes in the plans as requested which included the extension of trees all the way to the end and the removal of a paved way. The relocation of a connector suggested by the fire dept. was made.

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H. Milliken asked if the code had a limitation on the parking spaces in front of the buildings. Mr. Gray said he had a copy of the deed restrictions and didn't recall if it did, but would be happy to check if for him when he returned to his office. J. Lysen said he did not think there was a requirement regarding the parking. Mr. Gray said he would submit a final plan to the park director. D. Theriault asked if his staff reviewed covenants when they reviewed plans. G. Dycio said for South Park Staff did. H. Skelton said he did not think Planning Board could deny the applicant if it didn't meet covenants - it is a private issue. H. Milliken asked of the dumpster out back was enclosed. Mr. Gray said they were not putting a fence around it because it is shielded by the grading of the land and was well hidden. **Lorraine Comeau** said she received an excellent response from Penmor. They improved the buffer by planting 87 trees and said she was not worried about the dumpster.

**MOTION:** by D. Theriault, seconded by H. Skelton that the Board finds the application of Penmor Lithographers meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project.

**VOTE:** Passed 5-0.

**VI. OTHER BUSINESS**

A. New Business

1. Review of a proposed amendment to the Official Zoning Map of the City of Lewiston, and scheduling of a Public Hearing.

Richard LeCompte submitted a petition for a proposal to amend the Zoning and Land Use Code where two options were proposed to rezone one or two properties located at 284-286 and 292 East Avenue from Neighborhood Conservation "A" (NCA) District to Community Business (CB) District.

Mr. LeCompte initiated the rezoning process by submitting a citizens' petition as outlined under Article XVII, Section 5(b)(1)(b) of the Zoning and Land Use Code. The petition form was submitted to the City Clerk's office for review and confirmation of the signatures. The petition was returned verifying that at least ten of the signatures were valid.

Planning Staff reviewed the proposal amendment and found that the amendment was in proper form and recommended that the Board review the proposed amendment and schedule it for a Public Hearing at the next available Planning Board Meeting which is October 14, 1997.

Mike Gotto was available to answer any questions the Board had. M. Paradis asked what kind of business was being proposed at this site. M. Gotto answered Rite-Aid.

**MOTION:** by D. Theriault, seconded by M. Paradis to schedule the proposed rezoning at 284-286 and 292 East Avenue for a public hearing on October 14, 1997 at 7:00 PM.

**VOTE:** Passed 5-0.

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2. Review and comments on the proposed *Request for Proposed (Paper) Street Vacation* form.

The Board received a proposed form which applicants could fill out requesting the vacation of a paper street. H. Skelton made a few minor changes to the form and gave them to Staff. J. Lysen said that Attorney Hark would be at the October 14th Planning Board meeting and can discuss any issues. D. Theriault asked if only a portion of the street could be vacated. G. Dycio said yes. H. Milliken asked for Staff to create a map and highlight the paper streets. G. Dycio said he would and then when each petition comes in a copy of the area map could be attached to the petition.

**Maine Bucket** - D. Theriault asked about the tires stored near Maine Bucket. J. Lysen said that Peter Crichton was supposed to have a memo ready for tonight's meeting. Mr. Lysen did find out that the city does not own that property but have had communications with DEP. Mr. Milliken noted that there was only a collapsed building on that site. J. Lysen said that the tires were under that. D. Theriault asked for the Board to be kept abreast of this situation. J. Lysen said he would. D. Theriault also informally poled the Board regarding the disposition of the tires. The Board was in agreement that the tires should not be left on the site.

B. Old Business

1. Urban Enterprise (UE) District within the downtown area.

D. Theriault asked if the Board was ever going to get back to this. J. Lysen said certainly, it has been difficult in light of the Bates Mill Master Plan.

**VII. ADJOURNMENT**

**MOTION**: by D. Theriault, seconded by H. Skelton to adjourn the meeting.

**VOTE**: 5-0.

Meeting adjourned 8:40 PM

Respectfully submitted,

Denis Theriault  
Planning Board Secretary

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